

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**LAVENNA JOYCE SIMMS,  
Plaintiff,**

**v.**

**EXCEL MEDICAL STAFFING,  
Defendant.**

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**CIVIL ACTION NO. 4:23-CV-921-P**

**FINDING, CONCLUSION, AND RECOMMENDATION OF THE UNITED STATES  
MAGISTRATE JUDGE**

On June 20, 2023, Plaintiff Lavenna Joyce Simms, filed her complaint against Defendant Excel Medical Staffing [doc. 1]. On October 20, 2023, the Court entered an order requiring Plaintiff to register as an electronic case (“ECF”) filer no later than October 27, 2023 [doc. 15]. When Plaintiff failed to comply, the Court, on October 30, 2023, entered a second Order requiring Plaintiff to register as an ECF filer no later than November 6, 2023 [doc. 16]. In the second order, the Court warned Plaintiff that failure to comply would result in the undersigned recommending dismissal of this case. Despite these warnings, Plaintiff has failed to comply. Accordingly, the Court recommends the dismissal of Plaintiff’s case.

**RECOMMENDATION**

Based on the foregoing, it is **RECOMMENDED** that this case be **DISMISSED**.

**NOTICE OF RIGHT TO OBJECT TO PROPOSED  
FINDINGS, CONCLUSIONS AND RECOMMENDATION  
AND CONSEQUENCES OF FAILURE TO OBJECT**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge’s

proposed findings, conclusions, and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a de novo determination of those portions of the United States Magistrate Judge's proposed findings, conclusions, and recommendations to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file by the date stated above a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc), modified by statute on other grounds, 28 U.S.C. § 636(b)(1) (extending the time to file objections to 14 days).

**ORDER**

Under 28 U.S.C. § 636, it is hereby **ORDERED** that each party is granted until **November 21, 2023**, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation. It is further **ORDERED** that if objections are filed and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED November 7, 2023.

  
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JEFFREY L. CURETON  
UNITED STATES MAGISTRATE JUDGE